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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,388	02/28/2004	John P. Kallestad	DC1-001	4950
7590 JOHN W. CROSBY 1650 Highway 395 Minden, NV 89423		10/27/2010	EXAMINER KAYES, SEAN PHILLIP	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 10/27/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/789,388

**Applicant(s)**

KALLESTAD, JOHN P.

**Examiner**

SEAN KAYES

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/225)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 5-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. The original disclosure of the invention (filed 5/12/2005) is brief and makes no reference to the claim limitations:

an hour and minute adjustment wheel for adjusting hour and minutes on the clock; and a day hand adjustment wheel, the day hand adjustment wheel separate from the hour and minute hand and providing a shaft having varying thickness along its length, the shaft including a portion having a thickness that impedes movement of the shaft past a retaining clip, the retaining clip holding the shaft one of two positions, the two positions being an engaged position and a disengaged position, the engaged position operating with rotation of the day gears and the disengaged position allowing the day hand to freely rotate to a desired location on the face.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elberg (US 2741082) in view of Takizawa (US 5956294).
6. With respect to claim 1 Elberg discloses a clock comprising:
- a first hand (18 figure 6) to indicate day of the week, the first hand mounted on a first shaft (36 figure 6) and driven by a first day gear (30) and a third day gear (35), and
  - a second hand (19 – column 10 line 13) to indicate hour, the second hand mounted on a second shaft (29), a third hand (20 – col. 10 line 13) to indicate minutes, the third hand mounted on a third shaft (48), the first hand, second hand, and third hand sharing a common axis of rotation, the first shaft and second shaft being concentric with respect to each other (figure 1 and 6), wherein the third day gear provides one revolution to the first day gear for each 14 rotations of the second hand (\*1 – see discussion provided below) , and a second day gear (26 or 28) provides manual adjustment to the first hand (\*2 – see below).
- (\*1) - 31 and 42 rotate once per day so as to adjust the day wheel and indicator (35 and 18). 30 rotates twice per day according to the drive operation of hour hand 19. The day indicator 18 corresponds to seven days a week (Sun.-Sat.). Accordingly, the day wheel rotates 14 times relative to a full rotation of the hour wheel. Fourteen equals seven times two.

(\*2) - Knob 95 allows for manual operation of the drive gears. 95 drives 26. 26 drives 28. 28 is coaxial and drives 28a by axial attachment. 28a drives 27. 27 drives 30 by axial attachment. 30 drives 31. See figure 6.

Elberg does not detail the claim limitations including:

an hour and minute adjustment wheel for adjusting hour and minutes on the clock; and a day hand adjustment wheel, the day hand adjustment wheel separate from the hour and minute hand and providing a shaft having varying thickness along its length, the shaft including a portion having a thickness that impedes movement of the shaft past a retaining clip, the retaining clip holding the shaft one of two positions, the two positions being an engaged position and a disengaged position, the engaged position operating with rotation of the day gears and the disengaged position allowing the day hand to freely rotate to a desired location on the face.

Takizawa teaches a winding stem (106 figures 3-4) operational in more than one state. At least one state of the stem pertains to the setting of a day display and calendar display (814 and 812 figure 23; column 19 lines 19-31). The hour/minute is corrected by wheel 120 when stem 106 is in position 2; column 19. The date/day is corrected by wheel 194 when the stem is in position 1; column 19. Bar 310 acts as a retaining clip engaging the varying thickness portions of the stem to hold the shaft in the plurality of positions – figure 3. At the time of the invention it would have been obvious to one having ordinary skill in the art to utilize a varying thickness multi-position stem and retaining clip/lever, to correct hour-minute and day/date displays separately using different

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adjustment wheels in different positions, at least one position engaging the day correction wheel and at least one other position not engaging said day correction wheel, as taught by Takizawa. The reason for doing so would have been to facilitate selective control and setting of the multiple display means using a common stem, as taught by Takizawa.

7. With respect to claim 7 Elberg and Takizawa teach the clock of claim 1 further comprising means (74, 91, 95 figure 2; 21 figure 16) for adjusting time indicated by said clock.

8. With respect to claim 8 Elberg and Takizawa teach the clock of claim 1 wherein said adjustment means comprises at least one knob (74, 91, 95 figure 2; 21 figure 16).

9. With respect to claim 9 Elberg and Takizawa teach the clock of claim 1 wherein said adjustment means comprises at least one knob (95) to adjust said first hand (20).

10. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elberg (US 2741082) and Takizawa (US 5956294) as applied to claim 1 above, and further in view of Komiyama (US 5062090).

11. With regard to claim 5 Elberg does not teach a quartz oscillation. Quartz oscillation time bases are notoriously well known. Komiyama teaches such a battery powered quartz time base. At the time of the invention it would

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have been obvious to one having ordinary skill in the art to utilize a quartz time base in Elberg's device. The reason for doing so would have been to utilize a reliable inexpensive time source to form the timing signal of the device, as taught by Komiyama.

12. With regard to claim 6 Elberg does not teach battery power.

Komiyama teaches such a battery powered quartz time base. At the time of the invention it would have been obvious to one having ordinary skill in the art to provide Elberg's device with a battery powered quartz time base as taught by Komiyama. The reason for doing so would have been to utilize a reliable inexpensive time source to form the timing signal of the device, as taught by Komiyama.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1 and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571)272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
10/23/2010  
/SEAN KAYES/  
Examiner, Art Unit 2833